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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, MONDAY, DECEMBER 31, 2018/PAUSH 10, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill has been introduced in Rajya Sabha on the 31st December, 2018:—

BILL NO. LX OF 2018

A Bill to provide for regulation and maintenance of standards of education and services by allied and healthcare professionals and the maintenance of a Central Register of Allied and Healthcare Professionals and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Allied and Healthcare Professions Act, 2018.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “allied and healthcare institution” means an educational or research institution which grants diploma or undergraduate, postgraduate or doctoral degree or any other post degree certification in any allied and healthcare professional under this Act;

(b) “allied and healthcare professional” means any allied health professional or healthcare professional under this Act;

(c) “allied health professional” includes an associate, technician or technologist who is trained to perform any technical and practical task to support diagnosis and treatment of illness, disease, injury or impairment, and to support implementation of any healthcare treatment and referral plan, recommended by a medical, nursing or any other healthcare professional, and, who has obtained any qualification of diploma or degree under this Act, the duration of which shall not be less than two thousand hours;

(d) “allied and healthcare qualification” means any qualification possessed by an allied and healthcare professional under this Act;

(e) “Central Register” means the Central Allied and Healthcare Professionals’ Register maintained under section 12;

(f) “Council” means the Allied and Healthcare Council of India constituted under sub-section (1) of section 3;

(g) “healthcare professional” includes a scientist, therapist or other professional who studies, advises, researches, supervises or provides preventive, curative, rehabilitative, therapeutic or promotional health services and who has obtained any qualification of degree under this Act, the duration of which shall not be less than three thousand six hundred hours;

(h) “member” means a member of the Council or a State Council, as the case may be, including the Chairperson of any such Council;

(i) “notification” means a notification published in the Official Gazette and the expression “notified” shall be construed accordingly;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “recognised categories” means any category of the allied and healthcare professionals specified in the Schedule;

(l) “regulations” means the regulations made by the Council under section 62;

(m) “Schedule” means a Schedule annexed to this Act;

(n) “State Council” means a State Allied and Healthcare Council constituted under sub-section (1) of section 20;

(o) “State Register” means the State Allied and Healthcare Professionals’ Register maintained under section 29; and

(p) “University” means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution declared to be a deemed University under section 3 of that Act.

3 of 1956.

CHAPTER II

ALLIED AND HEALTHCARE COUNCIL OF INDIA

Constitution and composition of Council.

3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be constituted a Council to be called the Allied and Healthcare Council of India for exercising such powers and discharging such duties laid down under this Act.

(2) The Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The Council shall consist of a Chairperson, to be elected from amongst the members specified in clauses (l), (m) and (n), and the following members, namely:—

(a) Joint Secretary to the Government of India in the Department of Legal Affairs, Ministry of Law and Justice—member *ex officio*;

(b) Joint Secretary to the Government of India in the Department of Health and Family Welfare in charge of Medical Education—member *ex officio*;

(c) Joint Secretary to the Government of India in the Ministry of AYUSH—member *ex officio*;

(d) Joint Secretary to the Government of India in the Department of Higher Education, Ministry of Human Resource Development—member *ex officio*;

(e) Joint Secretary to the Government of India in the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment—member *ex officio*;

(f) Joint Secretary to the Government of India in the Ministry of Skill Development and Entrepreneurship—member *ex officio*;

(g) One representative of the Ministry of Defence not below the rank of Joint Secretary to the Government of India in the Directorate General of Armed Forces Medical Services—member *ex officio*;

(h) One person representing the NITI Aayog not below the rank of Joint Secretary to the Government of India—member *ex officio*;

(i) One person representing the Directorate General of Health Services not below the rank of Deputy Director General—member *ex officio*;

(j) Three persons representing out of the following, on biennial rotation basis in the alphabetical order, not below the rank of Deputy Secretary, member *ex officio*—

(i) Atomic Energy Regulatory Board;

(ii) Dental Council of India;

(iii) Indian Nursing Council;

(iv) Medical Council of India;

(v) Pharmacy Council of India; and

(vi) Rehabilitation Council of India;

(k) Two persons not below the rank of Director or Medical Superintendent representing the following, on biennial rotation basis—

(i) All India Institute of Medical Sciences, New Delhi;

(ii) All India Institute of Physical Medicine and Rehabilitation, Mumbai;

(iii) Jawaharlal Institute of Postgraduate Medical Education and Research, Puducherry; and

(iv) North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences, Shillong—member *ex officio*;

(l) Two persons from each of the six zones representing the State Councils on biennial rotation in the alphabetical order as per the zonal distribution having such qualifications and experience as may be prescribed by the Central Government to be nominated by the concerned State Government—member;

(m) Two persons each representing the recognised categories, namely, Medical Laboratory Sciences, Medical Radiology, Imaging and Therapeutic Technology,

Ophthalmic Sciences and Physiotherapy; and one person each representing the rest of the recognised categories listed in the Schedule, to be nominated by the Central Government having such qualifications and experience as may be prescribed by the Central Government—member; and

(*n*) Two persons, representing charitable institutions engaged in education or services in connection with any recognised category, to be nominated by the Central Government having such qualifications and experience as may be prescribed by the Central Government—member.

Term of office and conditions of service of members.

4. (*l*) The members nominated under clauses (*l*), (*m*) and (*n*) of sub-section (3) of section 3 shall hold office for a term not exceeding two years, as the Central Government may notify in this behalf, from the date on which they enter upon their office.

(2) The members nominated to the Council under clauses (*l*), (*m*) and (*n*) of sub-section (3) of section 3 shall be eligible for re-nomination for a maximum of three terms.

(3) The members nominated to the Council under clauses (*l*), (*m*) and (*n*) of sub-section (3) of section 3 shall receive such travelling and other allowances as may be prescribed by the Central Government.

Resignation and removal of members.

5. (*l*) Notwithstanding anything contained in sub-section (*l*) of section 4, a member nominated to the Council under clauses (*l*), (*m*) and (*n*) of sub-section (3) of section 3 may—

(*i*) relinquish his office by giving in writing to the Central Government notice of not less than three months; or

(*ii*) be removed from his office if he—

(*a*) has been adjudged insolvent; or

(*b*) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(*c*) has become physically or mentally incapable of acting as a member; or

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(*e*) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No member shall be removed from his office under clause (*d*) or clause (*e*) of sub-section (*l*) unless he has been given a reasonable opportunity of being heard in the matter.

Cessation of membership and filling up of casual vacancy of member.

6. (*l*) A member under clauses (*a*) to (*k*) of sub-section (3) of section 3, shall cease to be member of the Council on his cessation to the service by virtue of which he was appointed as a member of the Council.

(2) A member nominated under clause (*l*) of sub-section (3) of section 3, shall cease to be member of the Council on removal of his name from the register of the State Council.

(3) The Chairperson or any other member appointed under any casual vacancy in the Council under sub-section (3) of section 3, shall hold office only for the remainder of the term of the member in whose place he has been appointed.

Meetings of Council.

7. (*l*) The Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum of such meetings) in the manner as may be prescribed by the Central Government.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Council, any other member chosen by the members present from amongst themselves at the meeting shall preside over the meeting.

(3) All questions which come up before any meeting of the Council shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the member presiding, shall have a second or casting vote.

8. No act or proceeding of the Council shall be invalidated merely by reason of—

- (a) any vacancy in, or any defect in, the constitution of the Council; or
- (b) any defect in the appointment of a person acting as a member of the Council; or
- (c) any irregularity in the procedure of the Council not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of Council.

9. (1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Chief Executive Officer and other officers and employees as it may think necessary for the efficient performance of its functions under the Act.

Officers and other employees of Council.

(2) The salary and allowances payable to, and other conditions of service of the Chief Executive Officer and other officers and employees of the Council appointed under sub-section (1) shall be such as may be prescribed by the Central Government.

10. It shall be the duty of the Council to take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services under this Act and for the purposes of performing its functions, the Council may—

Functions of Council.

(a) frame policies and standards for the governance of allied and healthcare related education and professional services;

(b) regulate the professional conduct, code of ethics and etiquette to be observed by the allied and healthcare professionals by or under this Act;

(c) create and maintain an up to date Central Register;

(d) provide minimum standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education, maximum tuition fee payable in respect of various recognised categories, proportionate distribution of seats and promote innovations in recognised categories;

(e) provide the allied and healthcare qualifications to be obtained by allied and healthcare professionals, including the name of the course, entry criteria, duration and such other particulars as may be specified by the regulations;

(f) provide for or cause to be provided for uniform entry examination with common counselling for admission into the allied and healthcare institutions at the diploma, undergraduate, postgraduate and doctoral level in the manner as may be specified by the regulations;

(g) provide for a uniform exit or licensing examination for the allied and healthcare professionals in the manner as may be specified by the regulations;

(h) provide strategic framework for rational deployment of skilled manpower, performance management system, task shifting and associated career development pathways for allied and healthcare professionals; and

(i) perform such other functions as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act.

11. (1) The Council shall constitute as many professional advisory bodies as may be necessary to examine specific issues relating to one or more recognised categories and recommend or advise the Council thereon and also undertake any other activity as may be authorised by the Council.

Professional advisory bodies of Council.

(2) A professional advisory body constituted under sub-section (1) shall be presided over by a member to be nominated by the Chairperson of the Council from amongst the members referred to in clause (m) of sub-section (3) of section 3.

(3) Where there is no representation from a particular recognised category to chair the professional advisory body, the Chairperson of the Council may nominate any other member of the Council to chair the professional advisory body.

Central Allied
and
Healthcare
Professionals'
Register.

12. (1) The Council shall cause to maintain a register of persons in separate parts in each of the recognised categories to be known as the Central Allied and Healthcare Professionals' Register which shall contain information including the names of persons who possess qualifications relating to any of their respective recognised categories, in the manner as may be specified by the regulations.

(2) For the purposes of sub-section (1), the Council may adopt standardised format for populating and maintaining the Central Register in the manner as may be specified by the regulations.

(3) The Central Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a certified copy provided by the Council. 1 of 1872.

Privileges for
enrolment on
Central
Register.

13. Subject to the conditions and restrictions laid down in this Act regarding practice by persons possessing certain recognised allied and healthcare qualifications, every person whose name is for the time being borne on the Central Register shall be entitled according to his qualifications to provide any service as an allied and healthcare professional under this Act and to receive in respect of such service, any expenses, charges or any fees to which he may be entitled.

Rights of
persons who
are enrolled
on Central
Register.

14. No person, other than a registered allied and healthcare professional, shall—

(a) hold office as an allied and healthcare professional (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) provide service in any of the recognised categories in any State; and

(c) be entitled to sign or authenticate any certificate required by any law to be signed or authenticated by a duly qualified allied and healthcare professional.

Registration in
Central
Register.

15. The Council may, on receipt of the report of registration of a person in a State Register or on an application made by any person, in such form and in such manner as may be prescribed by the Central Government, enter his name in the Central Register.

Issue of
certificate of
registration.

16. (1) Any person whose name has been entered in the Central Register shall, on an application made in this behalf in such form and in such manner and on payment of such fees as may be prescribed by the Central Government, be entitled to a certificate of registration.

(2) On receipt of an application under sub-section (1), the Council shall grant to the applicant a certificate of registration in such form as may be prescribed by the Central Government.

(3) Where it is shown to the satisfaction of the Chief Executive Officer of the Council that a certificate of registration has been lost or destroyed, the Chief Executive Officer may, on payment of such fees, issue a duplicate certificate in such form as may be prescribed by the Central Government.

Registration
of additional
qualifications.

17. (1) If any person whose name is entered in the Central Register obtains any other qualification in any recognised category in addition to any allied and healthcare qualification, he shall, on an application made in this behalf in such form and in such manner and on payment of such fees as may be prescribed by the Central Government, be entitled to have an entry stating such degree or diploma or such other qualification made against his name in the Central Register in addition to any entry previously made.

(2) The entries in respect of any such person in a State Register shall be altered in accordance with the alterations made in the Central Register.

18. If the name of any person enrolled on a State Register is removed there from in pursuance of any power conferred under this Act, the Council shall direct the removal of the name of such person from the Central Register in such manner as may be specified by the regulations:

Removal of
name from
Central
Register.

Provided that on the removal of his name from the Central Register or State Register, as the case may be, the certificate of registration shall cease to be valid.

19. (1) The Central Government shall, as soon as may be but within sixty days from the date on which this Act receives the assent of the President, constitute an interim Council, till a regular Council is constituted under section 3.

Interim
Council.

(2) The interim Council constituted under sub-section (1) shall consist of the following, namely:—

(a) Additional Secretary to the Government of India in the Department of Health and Family Welfare—Chairperson;

(b) Joint Secretary to the Government of India in the Department of Health and Family Welfare in charge of Medical Education—member;

(c) Joint Secretary to the Government of India in the Ministry of AYUSH—member;

(d) Joint Secretary to the Government of India in the Ministry of Human Resource Development—member;

(e) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment—member;

(f) Joint Secretary to the Government of India in the Ministry of Skill Development and Entrepreneurship—member;

(g) One representative of the Ministry of Defence not below the rank of Joint Secretary to the Government of India in the Directorate General of Armed Forces Medical Services—member;

(h) One representative of NITI Aayog not below the rank of Joint Secretary to the Government of India — member;

(i) One representative of the Directorate General of Health Services not below the rank of Deputy Director General—member;

(j) One representative of the Dental Council of India not below the rank of Deputy Secretary—member;

(k) One representative of the Indian Nursing Council not below the rank of Deputy Secretary—member;

(l) One representative of the Medical Council of India not below the rank of Deputy Secretary—member;

(m) One representative of the Pharmacy Council of India not below the rank of Deputy Secretary—member;

(n) One representative of the Rehabilitation Council of India not below the rank of Deputy Secretary—member; and

(o) One representative of the Atomic Energy Regulatory Board not below the rank of Deputy Secretary—member.

(3) The interim Council shall discharge the functions assigned to the Council till the regular Council is constituted by the Central Government.

(4) The interim Council shall follow its own procedures in discharge of its duties.

CHAPTER III

STATE ALLIED AND HEALTHCARE COUNCIL

Constitution
and
composition
of State Allied
and
Healthcare
Council.

20. (1) Every State Government shall, by notification, within six months from the date of commencement of this Act, constitute a Council to be called the State Allied and Healthcare Council for exercising such powers and discharging such duties laid down under this Act.

(2) The State Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The State Council shall consist of a Chairperson, to be elected from amongst the members specified in clauses (d) and (e), and the following members, namely:—

(a) One Director or Additional Director or Joint Director representing medical or health sciences in the State Government—member, *ex officio*;

(b) Four persons from the following State Chapters, not below the rank of Deputy Secretary—member, *ex officio*—

(i) Dental Council of India;

(ii) Indian Nursing Council;

(iii) Medical Council of India; and

(iv) Pharmacy Council of India;

(c) Two persons from any medical colleges run by the State Government, not below the rank of Dean or Head of the Department—member, *ex officio*;

(d) Two persons each representing the recognised categories, namely, Medical Laboratory Sciences, Medical Radiology, Imaging and Therapeutic Technology, Ophthalmic Sciences and Physiotherapy, and one person each representing the rest of the recognised categories listed in the Schedule, to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—member; and

(e) Two persons representing charitable institutions engaged in education or services in connection with any recognised category, to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—member.

Term of office
and conditions
of service of
members.

21. (1) The members nominated under clauses (d) and (e) of sub-section (3) of section 20 shall hold office for a term not exceeding two years, as the State Government may notify in this behalf, from the date on which they enter upon their office.

(2) The members nominated to the State Council under clauses (d) and (e) of sub-section (3) of section 20 shall be eligible for re-nomination for a maximum of three terms.

(3) The members nominated to the State Council under clauses (d) and (e) of sub-section (3) of section 20 shall receive such travelling and other allowances as may be prescribed by the State Government.

Resignation
and removal
of members.

22. (1) Notwithstanding anything contained in sub-section (1) of section 21, a member nominated to the State Council under clauses (d) and (e) of sub-section (3) of section 20 may—

(i) relinquish his office by giving in writing to the State Government notice of not less than three months; or

(ii) be removed from his office if he—

(a) has been adjudged insolvent; or

(b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(*e*) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) No such member shall be removed from his office under clause (*d*) or clause (*e*) of sub-section (*1*) unless he has been given a reasonable opportunity of being heard in the matter.

23. (*1*) A member nominated under clause (*a*) or clause (*b*) or clause (*c*) of sub-section (*3*) of section 20, shall cease to be a member of the State Council on his cessation to the service by virtue of which he was appointed as a member of the State Council.

Cessation of membership and filling up of casual vacancy of member.

(2) The Chairperson or any other member appointed under any casual vacancy in the State Council under sub-section (*3*) of section 20, shall hold office only for the remainder of the term of the member in whose place he has been appointed.

24. (*1*) The State Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum of such meetings) in the manner as may be prescribed by the State Government.

Meetings of State Council.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the State Council, any other member chosen by the members present from amongst themselves at the meeting shall preside over the meeting.

(3) All questions which come up before any meeting of the State Council shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the member presiding, shall have a second or casting vote.

25. No act or proceeding of the State Council shall be invalidated merely by reason of—

(*a*) any vacancy in, or any defect in the constitution of, the State Council; or

(*b*) any defect in the appointment of a person acting as a member of the State Council; or

(*c*) any irregularity in the procedure of the State Council not affecting the merits of the case.

Vacancies, etc., not to invalidate proceedings of State Council.

26. (*1*) Subject to such rules as may be made by the State Government in this behalf, the State Council may appoint a Chief Executive Officer and such other employees as it may think necessary for the efficient performance of its functions under the Act.

Officers and other employees of State Council.

(2) The salary and allowances payable to and other conditions of service of the Chief Executive Officer, other officers and employees of the State Council appointed under sub-section (*1*) shall be such as may be prescribed by the State Government.

27. It shall be the duty of the State Council to take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services under this Act and for the purposes of performing its functions, the State Council may—

Functions of State Council.

(*a*) enforce the professional conduct, code of ethics and etiquette to be observed by the allied and healthcare professionals in the State and take disciplinary action, including the removal of a professionals' name from the State Register;

(*b*) ensure minimum standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education;

(*c*) ensure uniform entry examination with common counselling for admission into the allied and healthcare institutions at the diploma, undergraduate, postgraduate and doctoral level under this Act;

(*d*) ensure uniform exit or licensing examination for the allied and healthcare professionals under this Act;

(e) inspect allied and healthcare institutions and register allied and healthcare professionals in the State;

(f) ensure compliance of all the directives issued by the Council; and

(g) perform such other functions as may be entrusted to it by the State Government or as may be necessary for implementation of the provisions of this Act.

Professional
advisory
bodies of State
Council.

28. (1) The State Council shall constitute as many professional advisory bodies as may be necessary to examine specific issues relating to one or more recognised categories and recommend or advise the State Council thereon and also undertake any other activity as may be authorised by the State Council.

(2) A professional advisory body constituted under sub-section (1) shall be presided over by a member to be nominated by the Chairperson of the State Council, from amongst the member referred to in clause (d) of sub-section (3) of section 20.

(3) Where there is no representation from a particular recognised category to chair the professional advisory body, the Chairperson of the State Council may nominate any other member of the State Council to chair the professional advisory body.

State Allied
and
Healthcare
Professionals'
Register.

29. (1) The State Allied and Healthcare Professionals' Council shall cause to maintain a register of persons in separate parts in each of the recognised categories to be known as the State Allied and Healthcare Professionals' Register which shall contain information including the names of persons who possess qualifications relating to any of their respective recognised categories, in the manner as may be specified by the regulations.

(2) The State Register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a certified copy provided by the State Council. 1 of 1872.

Registration in
State Register.

30. (1) A person shall be entitled, on an application and on payment of the fee prescribed by the State Government, to have his name entered on the State Register if he resides in the State and holds a recognised allied and healthcare qualification.

(2) Upon the application to the Chief Executive Officer of the State Council, if he is of the opinion that the applicant is entitled to have his name entered on the State Register, he shall enter thereon the name of the applicant:

Provided that no person, whose name has under the provisions of this Act been removed from the State Register of any State, shall be entitled to have his name entered on the State Register of another State except with the approval of the State Council from whose register his name was removed.

(3) Any person whose application for registration is rejected by the Chief Executive Officer of the State Council may, within three months from the date of such rejection, appeal to the State Council.

(4) A person aggrieved by the decision of the State Council under sub-section (3) may, within sixty days from the communication to him of such decision, appeal to the State Government.

(5) Upon entry in the State Register of a name under this section, the Chief Executive Officer of the State Council shall issue to the applicant a certificate of registration in such form as may be prescribed by the State Government.

Issue of
duplicate
certificates.

31. Where it is shown to the satisfaction of the Chief Executive Officer of the State Council that a certificate of registration or a certificate of renewal has been lost or destroyed, the State Council may, on payment of such fee, issue a duplicate certificate in such form as may be prescribed by the State Government.

Renewal fees.

32. (1) There shall be paid in every five years to the State Council, such fee in such manner and with such conditions as may be prescribed by the State Government for renewal of name of allied and healthcare professional in the State Register.

(2) Where the fee referred to in sub-section (1) is not paid within the specified period, the Chief Executive Officer of the State Council shall remove the name of the defaulter from the State Register:

Provided that a name so removed may be restored to the said register on payment of such fee as may be prescribed by the State Government.

(3) On payment of the fee referred to in this section, the Chief Executive Officer of the State Council shall issue a certificate of renewal and such certificate shall be the proof of renewal of registration.

33. (1) Subject to the provisions of this section, the State Council may order that the name of any person shall be removed from the State Register where it is satisfied after giving that person a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make—

Removal from
State Register.

(a) that his name has been entered in the State Register by error or on account of misrepresentation or suppression of a material fact; or

(b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct in any professional respect or has violated the standards of professional conduct and etiquette or the code of ethics which in the opinion of the State Council renders him unfit to be kept in the said register.

(2) An order under sub-section (1) may direct that any person whose name is ordered to be removed from the State Register shall be ineligible for registration under this Act, either permanently or for such period of years as may be specified by the regulations.

(3) An order under sub-section (1) shall not take effect until the expiry of three months from the date thereof or until an appeal, if any, on such order is finally disposed of, whichever date is later.

(4) A person aggrieved by an order under sub-section (1) may, within sixty days from the communication to him of such order, appeal to the Council.

(5) A person whose name has been removed from the State Register under this section or under sub-section (2) of section 32 shall forthwith surrender his certificate of registration and certificate of renewal, if any, to the State Council and the name so removed shall be published on the website of the State Council, in the Official Gazette and at least in one daily local newspaper in vernacular language.

(6) A person whose name has been removed from the State Register under this section shall not be entitled to have his name registered in the State Register or in any other State Register except with the approval of the State Council from whose register his name has been removed.

34. The State Council may, at any time for reasons appearing to it sufficient and subject to the approval of the Council and upon payment of such fee as may be prescribed by the State Government, order that the name of a person removed from a State Register shall be restored and the name shall be uploaded on the website of the State Council, published in the Official Gazette and at least in one daily local newspaper in vernacular language.

Restoration to
State Register.

35. Every person who offers his services in any of the recognised categories on or before the commencement of this Act shall be allowed to register under the provisions of this Act within two years from such commencement in the manner as may be specified by the regulations.

Recognition of
persons offering
services prior to
commencement
of Act.

CHAPTER IV

RECOGNITION AND RECIPROCITY

36. (1) Subject to the provisions of this Act, any corresponding qualification granted by the institutions outside India shall be the recognised allied and healthcare qualifications as may be specified by the regulations.

Recognition
of allied and
healthcare
institutions
and
reciprocity.

(2) A citizen of India who holds the corresponding qualifications referred to in sub-section (1) shall be entitled for registration under this Act in the manner as may be specified by the regulations.

(3) The Central Government, after consultation with the Council, may by notification, direct that the corresponding qualifications referred to in sub-section (1) in respect of which a scheme of reciprocity is not in force, shall be recognised for the purposes of this Act or shall be so only when granted after a specified date:

Provided that the allied and healthcare professionals possessing such qualification—

(a) shall be permitted only if such persons are enrolled as allied and healthcare professionals in accordance with the law regulating the registration of allied and healthcare professionals for the time being in force in that country;

(b) shall be limited to the institution to which they are attached for the time being, for the purpose of teaching, research work, or charitable work; and

(c) shall be limited to the period specified in this behalf by the Central Government by general or special order.

(4) In respect of any such qualifications other than those referred to in sub-section (1), the Central Government may, after consulting the Council, by notification, direct that it shall be recognised allied and healthcare qualifications only when granted before a specified date.

(5) The Council may enter into negotiations with an authority in any country outside India, which by the law of such country is entrusted with the recognition of corresponding qualifications, for the setting up of a scheme of reciprocity for the recognition of allied and healthcare qualifications, and in pursuance of any such scheme, the corresponding qualification which the Council has decided to grant should be recognised by notification by the Central Government.

CHAPTER V

ESTABLISHMENT OF NEW ALLIED AND HEALTHCARE INSTITUTIONS

Permission for establishment of new allied and healthcare institutions, new courses of study, etc.

37. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, on and from the date of commencement of this Act,—

(a) no person shall establish an allied and healthcare institution; or

(b) no allied and healthcare institution shall—

(i) open a new or higher course of study or training (including postgraduate course of study or training) which would enable students of each course of study or training to qualify himself for the award of any recognised allied and healthcare qualification; or

(ii) increase its admission capacity in any course of study or training (including postgraduate course of study or training); or

(iii) admit a new batch of students in any course of study or training (including postgraduate course of study or training),

except with the previous permission of the Council obtained in accordance with the provisions of this Act:

Provided that the allied and healthcare qualification granted to a person in respect of a new or higher course of study or new batch without prior permission of the Council shall not be a recognised allied and healthcare qualification for the purposes of this Act:

Provided further that permission and certification in respect of courses for skilled health workers shall include aides or assistants providing assistive services under supervision and have formal training duration of not less than two thousand hours related to the allied and healthcare streams.

Explanation.—For the purposes of this section,—

(a) “person” includes any University, institution or a trust, but does not include the Central or State Government;

(b) “admission capacity”, in relation to any course of study or training (including postgraduate course of study or training) in an allied and healthcare institution, means the maximum number of students as may be decided by the Council from time to time for being admitted to such course of study or training.

(2) (a) Every person or allied and healthcare institution shall, for the purpose of obtaining permission under sub-section (1), submit to the Council a scheme in accordance with the provisions of clause (b).

(b) The scheme referred to in clause (a) shall be in such form and contain such particulars and be preferred in such manner and be accompanied with such fee as may be prescribed by the Central Government.

(3) On receipt of a scheme under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person or the allied and healthcare institution concerned, and thereafter, it may,—

(a) if the scheme is defective and does not contain any necessary particulars, give a reasonable opportunity to the person or allied and healthcare institution concerned for making a written representation and it shall be open to such person or allied and healthcare institution to rectify the defects, if any, specified by the Council;

(b) consider the scheme, having regard to the factors referred to in sub-section (5).

(4) The Council may, after considering the scheme and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or allied and healthcare institution concerned, and having regard to the factors referred to in sub-section (5), either approve with such conditions, if any, as it may consider necessary or disapprove the scheme and any such approval shall constitute as a permission under sub-section (1):

Provided that no scheme shall be disapproved by the Council except after giving the person or allied and healthcare institution concerned a reasonable opportunity of being heard:

Provided further that nothing in this sub-section shall prevent any person or allied and healthcare institution whose scheme has not been approved by the Council to submit a fresh scheme and the provisions of this section shall apply to such scheme, as if such scheme had been submitted for the first time under sub-section (2).

(5) The Council, while passing an order, either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely:—

(a) whether the proposed allied and healthcare institution or the existing allied and healthcare institution seeking to open a new or higher course of study or training, would be in a position to offer the minimum standards of education as may be specified by the Council by the regulations;

(b) whether the person seeking to establish an allied and healthcare institution or the existing allied and healthcare institution seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources;

(c) whether necessary facilities in respect of staff, equipment, accommodation, training, hospital and other facilities to ensure proper functioning of the allied and healthcare institution or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided as may be specified in the scheme;

(d) whether adequate facilities, having regard to the number of students likely to attend such allied and healthcare institution or course of study or training or as a result of the increased admission capacity, have been provided or would be provided as may be specified in the scheme;

(e) whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such allied and healthcare institution or the course of study or training by the persons having the recognised allied and healthcare qualifications;

(f) the requirement of manpower in the allied and healthcare institution; and

(g) any other factors as may be prescribed by the Central Government.

(6) Where the Council passes an order either approving or disapproving a scheme under sub-section (4), a copy of the order shall be communicated to the person or allied and healthcare institution concerned.

Power to
require
information
from allied and
healthcare
institutions.

38. (1) Any University or college or institution imparting education in any recognised category shall furnish information to the State Council regarding course of study, duration of course, scheme of assessment and examinations and other eligibility conditions in order to obtain the requisite qualifications as an allied and healthcare professional under this Act as the State Council may from time to time require.

(2) Any University or college or institution imparting education in any recognised category as on the date of commencement of this Act shall furnish to the Council such information in such manner as may be prescribed by the Central Government.

Verification of
standards by
State Council.

39. (1) The State Council shall cause to verify the standards of any allied and healthcare institution where education in the recognised category is given or to attend any examination held by any educational or research institution for the purpose of recommending to the Council recognition of allied and healthcare qualifications by that allied and healthcare institution in such manner as may be specified by the regulations.

(2) The verification made under sub-section (1) shall not interfere with the conduct of any training or examination, but shall be for the purpose of reporting to the State Council on the adequacy of the standards of education including staff, equipment, accommodation, training and other facilities for giving education in the recognised categories, as the case may be, or on the sufficiency of every examination which they attend.

(3) The State Council shall forward a copy of any report of verification of standards to the allied and healthcare institution concerned, and a copy with remarks of the institution thereon, to the Council.

Withdrawal of
recognition.

40. (1) Where, upon report of verification of standards referred to in sub-section (3) of section 39, it appears to the State Council—

(a) that the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, any allied and healthcare institution, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such allied and healthcare institution,

do not conform to the standards specified by the Council, the State Council shall make a representation to that effect to the Council.

(2) After considering such representations, and on such enquiry as it may deem fit, the Council may by order withdraw recognition granted to the allied and healthcare institution:

Provided that before any order of withdrawal is passed, the Council shall afford, the allied and healthcare institution and the State Government within whose jurisdiction the allied and healthcare institution is situated, an opportunity of being heard.

(3) The Council may, after making such further inquiry, if any, as it may think fit, by notification, direct that,—

(a) any allied and healthcare qualification shall be a recognised qualification under this Act only when granted before a specified date; or

(b) any allied and healthcare qualification if granted to students of a specified allied and healthcare institution shall be the recognised qualification only when granted before a specified date or, as the case may be; or

(c) any qualification shall be the recognised qualification in relation to a specified allied and healthcare institution only when granted after a specified date.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

41. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Council grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by
Central
Government.

42. (1) There shall be constituted a Fund to be called the Allied and Healthcare Council of India Fund and there shall be credited thereto—

Allied and
Healthcare
Council of
India Fund.

(a) all moneys received from the Central Government;

(b) all moneys received by the Council by way of grants, gifts, donations, benefactions, bequests and transfers; and

(c) all moneys received by the Council in any other manner or from any other source as may be decided upon by the Central Government.

(2) The fund referred to in sub-section (1) shall be applied for the expenses of the Council incurred in discharge of its functions and purposes of this Act, in the manner as may be prescribed by the Central Government.

43. (1) The Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of
Council.

(2) The accounts of the Council shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books of account, connected vouchers and other documents and papers and to inspect the office of the Council.

(4) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

44. The Council shall prepare every year, in such form and within such time as may be prescribed by the Central Government, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Annual report
of Council.

45. The Council shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Returns and
information.

46. The State Government may, after due appropriation made by State Legislature by law in this behalf, make to the State Council grants of such sums of money as the State Government may think fit for being utilised for the purposes of this Act.

Grants by
State
Government.

State Allied
and
Healthcare
Council Fund.

47. (1) There shall be constituted a Fund to be called the State Allied and Healthcare Council Fund and there shall be credited thereto—

(a) all moneys received from the State Government;

(b) all moneys received by the State Council by way of grants, gifts, donations, benefactions, bequests and transfers; and

(c) all moneys received by the State Council in any other manner or from any other source as may be decided upon by the State Government.

(2) The Fund referred to in sub-section (1) shall be applied for the expenses of the State Council incurred in discharge of its functions and purposes of this Act, in the manner as may be prescribed by the State Government.

Accounts and
Audit of State
Council.

48. (1) The State Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance sheet, in accordance with such general directions as may be issued and in such form as may be specified by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Council shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the State Council to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books of account, connected vouchers and other documents and papers and to inspect the office of the State Council.

(4) The accounts of the State Council as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the State Government and that Government shall cause the same to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Annual Report
of State
Council.

49. The State Council shall prepare every year, in such form and within such time as may be prescribed by the State Government an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government and that Government shall cause the same to be laid before each House of the State Legislature, where it consists of two Houses, or where such Legislature consists of one House, before that House.

Authentication
of orders, etc.

50. All orders and decisions of the Council or the State Council, as the case may be, and the instruments issued by it shall be authenticated by the Chief Executive Officer or any other officer authorised by the Chairperson in this behalf.

Practice by
allied and
healthcare
professionals.

51. No allied and healthcare professional shall discharge any duty or perform any function not authorised by this Act or any treatment not authorised by the field of his profession.

CHAPTER VII

OFFENCES AND PENALTIES

Penalty for
falsely claiming
to be registered.

52. If any person whose name is not for the time being entered in the Central Register or a State Register, falsely represents that it is so entered or uses in connection with his name or title any words or letters to suggest that his name is so entered, he shall be punished on first conviction with fine which may extend to fifty thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine not exceeding one lakh rupees or with both.

53. If any person,—

(a) not being a person registered in the Central Register or a State Register, takes or uses the description of an allied and healthcare professional, or

(b) not possessing an allied and healthcare qualification under this Act, uses a degree or a diploma or a licence or an abbreviation indicating or implying such qualification,

shall be punished on first conviction with fine which may extend to one lakh rupees, and on any subsequent conviction with imprisonment which may extend to one year or with fine not exceeding two lakh rupees or with both.

Misuse of titles.

54. If any person whose name has been removed from the Central Register or a State Register, he shall surrender forthwith his certificate of registration or certificate of renewal, as the case may be, or both, failing which he shall be punishable with fine which may extend to fifty thousand rupees and in case of a continuing offence with an additional fine which may extend to five thousand rupees per day after the first day during which the offence continues.

Failure to surrender Certificate of Registration.

55. Whoever contravenes any of the provisions of this Act or any rules or regulations made thereunder shall be punished with imprisonment which shall not be less than one year but which may extend to three years or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with both.

Penalty for contravention of provisions of Act.

56. (1) No court shall take cognizance of any offence punishable under this Act except upon a complaint made by the order of the Central Government, the State Government, the Council or the State Council, as the case may be.

Cognizance of offences.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

CHAPTER VIII

MISCELLANEOUS

57. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any order made by the Council or the State Council relating to the removal of a name or the refusal to enter a name in the Central Register or State Register, as the case may be, under this Act.

Bar of Jurisdiction.

58. No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or against the Chairperson or any other member of the Council or the State Council or the professional advisory bodies, as the case may be, for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder in the discharge of official duties.

Protection of action taken in good faith.

59. (1) The Central Government may, from time to time, issue such directions to the Council as in the opinion of said Government are conducive for the fulfilment of the objects of this Act and in the discharge of its functions, the Council shall be bound to carry out any such directions.

Directions by Central Government.

(2) Any direction issued under sub-section (1) may include directions to the Council to make any regulations or to amend or revoke any regulations already made.

60. The provisions of this Act shall have overriding effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

61. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power under sub-section (1), such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience of the member of the Council under clause (l) of sub-section (3) of section 3;

(b) the qualifications and experience of the member of the Council under clause (m) of sub-section (3) of section 3;

(c) the qualifications and experience of the member of the Council under clause (n) of sub-section (3) of section 3;

(d) the travelling and other allowances to the member of the Council under sub-section (3) of section 4;

(e) the time, place and rules of procedure with respect to the transaction of business at meetings including the quorum of Council under sub-section (1) of section 7;

(f) the salary, allowances and other conditions of service of the Chief Executive Officer and other officers and employees of the Council under sub-section (2) of section 9;

(g) the form and manner of application for registration in the Central Register under section 15;

(h) the form, manner and fee of application for certificate of registration under sub-section (1) of section 16;

(i) the form of certificate of registration under sub-section (2) of section 16;

(j) the fee and form for issuance of duplicate certificate under sub-section (3) of section 16;

(k) the form, manner and fees of application for additional entry in the Register under sub-section (1) of section 17;

(l) the form, manner, particulars and fees for scheme under clause (b) of sub-section (2) of section 37;

(m) the other factors to be considered by the Council and Central Government related to the scheme under clause (g) of sub-section (5) of section 37;

(n) the manner and particulars of information to be provided by the University or college or institution to the Council under sub-section (2) of section 38;

(o) the manner of discharge of the functions of the Council under sub-section (2) of section 42;

(p) the form and time period for preparing annual report of the Council under section 44; and

(q) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

Power to make regulations.

62. (1) The Council may, with the previous sanction of the Central Government, make regulations generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such regulations may provide for all or any of the following matters, namely:—

(a) the details of the recognised allied and healthcare qualifications including the name of course, entry criteria, duration and such other particulars under clause (e) of section 10;

(b) the manner of providing uniform entry examination with common counselling for admission under clause (f) of section 10;

(c) the manner of providing uniform exit or licensing examination under clause (g) of section 10;

(d) the particulars of allied and healthcare professionals to be maintained in the Central Register under sub-section (1) of section 12;

(e) the standardised format for populating and maintaining the Central Register under sub-section (2) of section 12;

(f) the manner of removal of name of a person from the Central Register under section 18;

(g) the particulars of allied and healthcare professionals to be maintained in the State Register under sub-section (1) of section 29;

(h) the period of years that a person removed from the State Register shall be ineligible for registration under sub-section (2) of section 33;

(i) the manner of registration of persons who offer services in any of the recognised categories on or before the commencement of this Act under section 35;

(j) the recognition of corresponding allied and healthcare qualifications granted outside India under sub-section (1) of section 36;

(k) the manner of entitlement of registration of qualifications granted by institutions outside India under sub-section (2) of section 36;

(l) the minimum standards of education for seeking to open a new or higher course of study or training under clause (a) of sub-section (5) of section 37;

(m) the manner of verification of standards of education in allied and healthcare institutions by the State Council under sub-section (1) of section 39; and

(n) any matter for which provision may be made by the regulations under this Act.

63. Every rule made by the Central Government, and the regulations made by the Council, under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulations, or both Houses agree that the rule or regulations should not be made, the rule or regulations shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulations.

Laying of
rules and
regulations.

64. (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

Power of State
Government
to make rules.

(2) In particular and without prejudice to the generality of the foregoing power under sub-section (1), such rules may provide for the following matters, namely:—

(a) the qualifications and experience of the member of the State Council under clause (d) of sub-section (3) of section 20;

(b) the qualifications and experience of the member of the State Council under clause (e) of sub-section (3) of section 20;

(c) the travelling and other allowances for the member of the State Council under sub-section (3) of section 21;

(d) the time, place and rules of procedure with respect to transaction of business at meetings including the quorum of State Council under sub-section (1) of section 24;

(e) the salary, allowances and other conditions of services of the Chief Executive Officer, other officers and employees of the State Council under sub-section (2) of section 26;

(f) the fee for registration in the State Register under sub-section (1) of section 30;

(g) the form for issuance of certificate of registration in the State Register under sub-section (5) of section 30;

(h) the fee and form for issuance of duplicate certificate under section 31;

(i) the fee for renewal of name in the State Register, the manner and the conditions for renewal under sub-section (1) of section 32;

(j) the fee for restoration of name in the State Register under the proviso to sub-section (2) of section 32;

(k) the fee for restoration of name in the State Register after approval of the Council under section 34;

(l) the manner of discharge of the functions of the State Council under sub-section (2) of section 47;

(m) the form and time period for preparing annual report of the State Council under section 49; and

(n) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power to
Remove
Difficulties.

65. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to
amend
Schedule.

66. (1) The Central Government may, after consultation with the Council, by a notification, add to or otherwise amend the Schedule for the purposes of this Act and thereupon the said Schedule shall be deemed to be amended accordingly.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

THE SCHEDULE

[See Section 2(k)]

Serial Number	Recognised Category	Allied and Healthcare Professional	ISCO Code
(1)	(2)	(3)	(4)
1.	Life Science Professional Note: Life Science Professional is a person who has knowledge of application of research on human and other life forms, their interactions with each other and the environment, to develop new knowledge, and solve human health and environmental problems and who works in diverse fields such as bacteriology, biochemistry, genetics, immunology, pharmacology, toxicology and virology and who collect, analyse and evaluate the experimental and field data to identify and develop new processes and techniques among others.	(i) Biotechnologist (ii) Biochemist (non-clinical) (iii) Cell Geneticist (iv) Microbiologist (non-clinical) (v) Molecular Biologist (non-clinical) (vi) Molecular Geneticist (vii) Environment Protection Officer (viii) Ecologist (ix) Biomedical Engineer (x) Medical Equipment Technologist (xi) Occupational Health and Safety Officer (Inspector)	2131 2131 2131 2131 2131 2131 2133 2133 2149 3211 3257
2.	Trauma and Burn Care Professional Note: Trauma and Burn care professional is a person who provides advisory, diagnostic, curative and preventive medical services more limited in scope and complexity than those carried out by a medical doctor including emergency and burn care technologist who work autonomously, or with limited supervision of medical doctors and apply advanced clinical procedures for treating and preventing injuries and other physical impairments.	(i) Burn Care Technologist (ii) Emergency Medical Technologist (Paramedic) (iii) Advance Care Paramedic	2240 3258 2240
3.	Physiotherapy Professional Note: Physiotherapy professional is a person who practices physiotherapy by undertaking comprehensive examination and appropriate investigation, provides treatment and advice to any persons preparatory to or for the purpose of or in connection with movement or functional dysfunction, malfunction, disorder, disability, healing and pain from trauma and disease, using physical modalities including exercise, mobilisation, manipulations, electrical and thermal agents and other electro therapeutics	Physiotherapist	2264

(1)	(2)	(3)	(4)
	for prevention, screening, diagnosis, treatment, health promotion and fitness. The physiotherapist can practice independently or as a part of a multi-disciplinary team and has a minimum qualification of a baccalaureate degree.		
4.	Nutrition Science Professional Note: Nutrition Science Professional is a person who follows a scientific process to assess, plan and implement programs to enhance the impact of food and nutrition on health, promote good health, prevent and treat disease to optimize the health of individuals, groups, communities and populations as well as on human health with training in food and nutritional science, nutrition, dietetics.	(i) Dietician (including Clinical Dietician, Food Service Dietician) (ii) Nutritionist (including Public Health Nutritionist, Sports Nutritionist)	2265 2265
5.	Ophthalmic Sciences Professional Note: Ophthalmic Sciences Professional is a person who studies eye, related ailments and specialises in the management of disorders of eye and visual system, limited in scope and complexity as performed by a medical doctor having Optometrists with a minimum of four years of baccalaureate degree and Ophthalmic assistants with a minimum of a two years diploma program in Ophthalmic Sciences.	(i) Optometrist (ii) Ophthalmic Assistant	2267 3256
6.	Occupational Therapy Professional Note: Occupational therapy professional is a person who delivers client-centred services concerned with promoting health and well-being through occupation to enable people to participate in the activities of everyday life, which includes professionals such as Occupational therapists who achieve this outcome by working with people and communities to enhance their ability to engage in the occupations they are expected to do, or by modifying the occupation or the environment to better support their occupational engagement.	(i) Occupational Therapist (ii) Movement Therapist (including Art, Dance and Movement Therapist or Recreational Therapist) (iii) Podiatrist	2269 2269 2269
7.	Behavioural Health Sciences Professional Note: Behavioural Health Science Professional is a person who undertakes scientific study of the emotions, behaviours and biology relating to a person's mental well-being, their ability to function in everyday life and their concept of self. "Behavioural health" is the preferred term to "mental health" and includes professionals such as counsellors, analysts, psychologists, educators and support workers, who provide counselling, therapy and mediation services to	(i) Psychologist (Except Clinical Psychologist covered under RCI for PWD) (ii) Behavioural Analyst (iii) Integrated Behavior Health Counsel (iv) Health Educator including Disease Counsellors, Diabetes Educators, Lactation Consultants	2634 2635 2635 2635

(1)	(2)	(3)	(4)
	individuals, families, groups and communities in response to social and personal difficulties.	(v) Human Immunodeficiency Virus (HIV) Counsellors or Family Planning Counsellors	3259
		(vi) Mental Health Support Workers	3259
8.	Primary, Community and other Miscellaneous Care Professional Note: Primary and Community Care Professional is a person who provides health education, referral and follow up, case management and basic preventive health care and home visiting services to specific communities at field level and provides support and assistance to individuals and families in navigating the health and social services system and establish a referral network.	Community Health promoters	3253
9.	Medical Radiology, Imaging and Therapeutic Technology Professional Note: Medical imaging and therapeutic equipment technology professionals include persons who tests and operate radiographic, ultrasound and other medical imaging equipment to produce images of body structures for the diagnosis and treatment of injury, disease and other impairments or administers radiation treatments and monitor patients' conditions with training in medical technology, radiology, sonography, mammography, nuclear medical technology, Magnetic Resonance Imaging, Dosimetry or radiotherapy, under the supervision of a radiologist or other medical professional.	(i) Medical Physicist (ii) Nuclear Medicine Technologist (iii) Radiology and Imaging Technologist (Diagnostic Medical Radiographer, Magnetic Resonance Imaging (MRI), Computed Tomography (CT), Mammographer, Diagnostic Medical Sonographers) (iv) Radiotherapy Technologist (v) Dosimetrist (vi) Electrocardiogram (ECG) Technologist or Echocardiogram (ECHO) Technologist	2111 3211 3211 3211 3211 3211
10.	Medical Laboratory Sciences Professional Note: Medical and pathology laboratory professional is a person who performs clinical test on specimens of bodily fluids and tissues in order to get information about the health of a patient or cause of death and having formal training in medical laboratory technology or related field, which includes testing and operating equipment such as spectrophotometers, calorimeters and flame photometers for analysis of biological material including blood, urine and spinal fluid.	(i) Cytotechnologist (ii) Forensic Science Technologist (iii) Histotechnologist (iv) Hemato technologist (v) Medical Lab technologist	3212 3212 3212 3212 3212

(1)	(2)	(3)	(4)
11.	Health and Information Management Professional Note: Health and information management professional is a person who develops, implements and assesses the health record processing, storage and retrieval systems in medical facilities and other health care settings to meet the legal, professional, ethical and administrative records-keeping requirements of health services delivery and processes, maintains, compiles and reports patient information for health requirements and standards in a manner consistent with the healthcare industry's numerical coding system.	(i) Health Information Management Professional (including Medical Records Analyst) (ii) Health Information Management Technologist (iii) Clinical Coder (iv) Medical Secretary and Medical Transcriptionist	3252 3252 3252 3344
12.	Physician Associate or Physician Assistant Note: Physician Associate or Physician Assistant is a person who performs basic clinical and administrative tasks to support patient care and is trained in a medical model such that he is qualified and competent to perform preventive, diagnostic and therapeutic services with physician supervision.	Physician Associates and Assistants	3256
13.	Cardio-vascular, Neuroscience and Pulmonary Technology Professional Note: Cardio-vascular, Neuroscience and Pulmonary Technology Professionals include those persons who have studied and have thorough understanding of respiratory, neurological and circulatory system and also the ability to operate complex equipments related therein and includes professionals such as Perfusionist, Cardiovascular technologist, respiratory technologist and Sleep lab technologists.	(i) Cardiovascular Technologists (ii) Perfusionist (iii) Respiratory Technologist (iv) Electroencephalogram (EEG) or Electro-neurodiagnostic (END) or Electromyography (EMG) Technologists or Neuro Lab Technologists or Sleep Lab Technologists	3259 3259 3259 3259
14.	Renal Technology Professional Note: Renal technology professional is a person who deals with dialysis therapy process and technology to ensure an effective dialysis therapy to the patient and includes professionals such as Dialysis Therapy Technologists having baccalaureate degree who operate and maintain an artificial kidney machine, following approved methods.	Dialysis Therapy Technologists or Urology Technologists	3259

(1)	(2)	(3)	(4)
15.	Surgical and Anaesthesia-related Technology Professional Note: Surgical and anaesthesia-related technology professional is a person who is a member of a multidisciplinary team in the operation theatres, who prepares and maintains an operating theatre, assists the anaesthetist and surgical team during peri-operative period and provides support to patients in the recovery room and the main role includes the setup, check, and maintains anaesthesia equipment, preparation of operation room and table, management of the central sterile services department functions, assistance in emergency situations and disaster preparedness and support of the surgeons and anaesthetists in any other related clinical area.	(i) Anaesthesia Assistants and Technologists (ii) Operation Theatre (OT) Technologists (iii) Endoscopy and Laparoscopy Technologists	3259 3259 3259

STATEMENT OF OBJECTS AND REASONS

As estimated by the World Health Organisation, by the year 2030, the global economy is projected to create around forty million new health sector jobs mostly in the middle and high income countries and despite the anticipated growth in jobs there shall be projected shortage of fifteen million health workers to achieve the sustainable development goals in low and lower middle income countries. The United Nation's Commission on Health Employment and Economic Growth with a focus on building resilient health systems stresses upon strengthening the health workers and urges to ensure effective health employment.

2. Considering the age as a factor, India is one of the youngest countries of the world. By the year 2020, with sixty-four per cent. of the population in the working age group, India is set to experience a dynamic transition as the population burden of the past turns into a demographic dividend. The rising global demand and need for health workers, over the next decade, presents significant challenges nationally as well as offers the opportunity to generate employment not only to meet the domestic demands but also to cater the global market.

3. Health workforce in Indian healthcare system has been defined with focus limited to few cadres such as doctors, nurses and frontline workers, wherein, several other healthcare professionals, have remained unidentified, unregulated and underutilised. The persistent demand for a regulatory framework to ensure appropriate regulation and standardisation of such professions have been seen for several decades. In the last six years, over fifty allied and healthcare professions have been identified whose potential may be utilised in improving the access to care and all those professions are globally regulated professions. Detailed mapping has been undertaken to identify such professions based on the International Labour Organisation's International Standard Classification of Occupations (ISCO-08).

4. With the advancement in the health sector, changing preferences of consumer and provider, it is now warranted to create a fresh vision of healthcare delivery with a patient centric approach and focus on moving to a multi-disciplinary team-based care. There is a need to implement new ways of using health workers, strengthening the workforce by testing task shifting models and improving and increasing access to quality services through qualified and competent set of allied and healthcare professionals.

5. The Allied and Healthcare Professions Bill, 2018 provides for regulation and maintenance of standards of education and services by allied and healthcare professionals and the maintenance of a Central Register of such professionals. The Bill further provides for the recognition of more than fifty professions in the allied and healthcare sector such as Physiotherapist, Optometrist, Nutritionist, Medical Laboratory professionals, Radiotherapy technology professional, to name a few, who lack a comprehensive regulatory mechanism. The Bill, *inter alia*, provides for—

(i) constitution of an Allied and Healthcare Council of India for regulation and maintenance of standards for education and services by Allied and Healthcare Professionals;

(ii) ensuring a framework for coordinated and integrated development of policies and standards for governance of allied and healthcare education and services;

(iii) regulating the professional conduct, code of ethics and etiquette to be observed by allied and healthcare professionals;

(iv) a platform to create and maintain an allied and healthcare workforce register;

(v) the development of minimum standards of education, courses, curricula, facilities, assessment, examination, training, etc.;

(vi) the allied and healthcare qualifications including name of the course, entry criteria, duration, among other particulars;

(vii) a uniform entry examination with common counselling for admission into allied and healthcare institutions at diploma, undergraduate, postgraduate and doctoral levels;

(viii) a uniform exit or licensing examination;

(ix) strategic framework for rational deployment of skilled manpower, performance management systems, task shifting and associated career development pathways for allied and healthcare professionals; and

(x) constitution of corresponding State Allied and Healthcare Councils to enforce and implement the standards established by the Central Council.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 14th December, 2018.

JAGAT PRAKASH NADDA.

Notes On Clauses

Clause 1.—This clause provides for the short title, extent and commencement of the proposed legislation.

Clause 2.—This clause provides for the definitions of certain expressions used in the proposed legislation.

Clause 3.—This clause provides for the constitution and composition of the Allied and Healthcare Council to be known as the “Allied and Healthcare Council of India”.

Clause 4.—This clause provides for the term of office and conditions of service of the members of the Allied and Healthcare Council.

Clause 5.—This clause provides for the resignation and removal of members of the Allied and Healthcare Council.

Clause 6.—This clause provides for the cessation of membership and filling up of casual vacancy of members of the Allied and Healthcare Council.

Clause 7.—This clause provides for the meetings of the Allied and Healthcare Council. This clause further provides for alternative representation for the Chairperson, if he is unable to attend a meeting of the Council and the decision of the Council on any question to be based on majority of the votes of the members present and the presiding chair to have a second or casting vote in case of equality of votes.

Clause 8.—This clause provides that no act or proceeding of the Council shall be invalid merely by reason of any vacancy in, or any defect in the constitution of the Council; or any defect in the appointment of a person acting as a member of the Council; or any irregularity in the procedure of the Council not affecting the merits of the case.

Clause 9.—This clause provides that the Council may appoint a Chief Executive Officer and other officers and employees, as may be needed. It also empowers the Central Government to frame rules regarding salary, allowances and other conditions of services of the Chief Executive Officer and other employees of the Council.

Clause 10.—This clause provides that the Council shall discharge such functions as may be necessary to ensure coordinated and integrated development of education and maintenance of the standards of delivery of services under the proposed legislation. The functions of the Council shall include—(a) framing policies and standards related to allied and healthcare education and professional services; (b) regulating professional conduct, code of ethics and etiquette to be observed by allied and healthcare professionals; (c) creating and maintaining an up to date Central Register; (d) providing minimum standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education, maximum tuition fee payable in respect of various recognised categories, proportionate distribution of seats and promote innovations in recognised categories; (e) prescribing allied and healthcare qualifications including name of the course, entry criteria, duration and other particulars; (f) providing uniform examinations for entry with common counseling for admissions; (g) providing uniform exit or licensing examination; (h) providing strategic framework for rational deployment of skilled manpower, performance management systems, task shifting and associated career development pathways; and (i) any other functions as may be necessary to carry out the provisions of the proposed legislation.

Clause 11.—This clause provides that the Council shall constitute professional advisory bodies as may be needed, to examine specific issues and to recommend or advise the Council, or undertake any other activity as may be authorised by the Council for their respective professions. It also provides for the advisory body to be presided over by a member of the Council to be nominated by the Chairperson from amongst the members representing the Council for the respective professions and in case of no representation from particular category to chair the advisory body, the Chairperson of the Council may nominate any other member of the Council.

Clause 12.—This clause provides for a Central Allied and Healthcare Professionals' Register to be maintained by the Council, which shall be a public document for the purpose of the Indian Evidence Act, 1872. A standardised format may be adopted to maintain details of the information of the registering person, in separate parts, as may be specified by regulations.

Clause 13.—This clause provides that every person whose name is borne on the Central Register shall be entitled to provide service as an allied and healthcare professional and receive expenses, charges or fees in respect of such service, subject to the conditions and restrictions under the proposed legislation, regarding practice and qualifications.

Clause 14.—This clause provides that only a registered allied and healthcare professional can hold office as an allied and healthcare professional, provide service in any State and entitled to sign or authenticate any certificate required to be signed as allied healthcare professional.

Clause 15.—This clause provides that on the basis of an application made by any person or in case of registration of a person in a State Register, the Council may enter his or her name in the Central Register on receipt of such information.

Clause 16.—This clause provides that the Council shall issue a certificate of registration to those whose names have been entered in the Central Register, on receipt of an application and payment of fees for the same, as may be prescribed by the Central Government. The certificate shall cease to be valid if the person's name is removed from the Central or State Register. In case of loss of the certificate, a duplicate certificate may be issued on payment of requisite fees, with the authentication of the Chief Executive Officer of the Council.

Clause 17.—This clause provides that if additional recognised qualifications are obtained by persons whose names are in the Central Register, additional qualification may be recorded against their name, in both Central and State Registers, after making an application and paying requisite fees, as may be prescribed by the Central Government.

Clause 18.—This clause provides that if the name of the enrolled person is removed from the State Register, the Council shall remove the name of such person from the Central Register in the manner as may be specified by the regulations and on removal of name of such person, the certificate of registration shall cease to be valid.

Clause 19.—This clause provides for establishment and constitution of an Interim Council till the Council is established. It also provides that the Interim Council shall be constituted within sixty days from the date of the proposed legislation coming into force. It also provides that the Interim Council shall discharge the functions assigned to the Council.

Clause 20.—This clause provides for the constitution of State Councils by every State Government, to be known as 'State Allied and Healthcare Council' within six months from the date of commencement of this proposed legislation, and the details of establishment including composition of the Council shall be as specified in sub clause (3). It also provides for the election of the Chairperson amongst the non-*ex officio* members of the Council.

Clause 21.—This clause provides that tenure of the non-*ex officio* members of the State Council shall be valid for a period of two years from the date on which they enter office

and are eligible for re-nomination for a maximum of three terms. It also provides for eligibility of the members of the State Council for travelling and other allowances as may be specified by the State Government.

Clause 22.—This clause provides for conditions of resignation of the nominated non-*ex officio* State Council members representing professional categories and charitable institutions. This clause further provides that no such members shall be removed unless he is given a reasonable opportunity of being heard in the matter of concern.

Clause 23.—This clause provides that the *ex officio* members nominated by the State Government shall cease to be a member on cessation to the service by virtue of which they were appointed. This clause also contains the provision relating to the casual vacancy and the condition of the term of the casual appointment.

Clause 24.—This clause provides that the State Council shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be prescribed by the State Government. This clause further provides for alternate representation for the Chairperson if he is unable to attend and the decision of the Council on any question to be based on majority of the votes of the present members and the chair to have a second or casting vote in case of equality of votes.

Clause 25.—This clause provides that no act or proceeding of the State Council shall be invalid merely by reason of —(a) any vacancy in, or any defect in the constitution of the State Council; or (b) any defect in the appointment of a person acting as a member of the State Council; or (c) any irregularity in the procedure of the State Council not affecting the merits of the case.

Clause 26.—This clause provides that the State Council may appoint a Chief Executive Officer and other officers and employees, as needed, with prescribed salary, allowances and other conditions of service, subject to State Government rules in this behalf.

Clause 27.—This clause provides that the State Council shall discharge such functions as needed to ensure coordinated and integrated development of education and maintenance of the standards of delivery of services. The functions of the State Council shall include— (a) enforcing professional conduct, code of ethics and etiquette to be observed by allied and healthcare professional; (b) ensuring minimum standards; (c) ensuring uniform examinations for entry with common counseling for admission; (d) ensuring uniform exit or licensing examination; (e) inspecting allied and healthcare institutions and registering the professionals in the State register; (f) ensuring compliance of all the directives as issued by the Council; and (g) performing any other such functions entrusted by the State Government as may be necessary for the implementation of the provision of the proposed legislation.

Clause 28.—This clause provides that the State Council shall constitute as many professional advisory bodies as needed, to examine specific issues and to recommend or advise the State Council, or undertake any other activity as may be authorised by the State Council for their respective professions. This clause also provides for the advisory body to be presided over by member of the State Council to be nominated by the Chairperson from amongst the members representing in the State Council for respective professions and in case of no representation from particular category to chair the advisory body, the Chairperson of the State Council to nominate any other member of the State Council.

Clause 29.—This clause provides for a State Allied and Healthcare Professionals' Register to be maintained by the State Council, which shall be a public document under the Indian Evidence Act, 1872 and may be certified by the State Council. A standardised

format may be adopted to maintain details of the information of the registering person, in separate parts, as specified by regulations.

Clause 30.—This clause provides that on the basis of an application made by any person and on payment of the fee as prescribed by the State Government, the name of the person may be entered in the State Register if he resides in the State and holds a recognised allied and healthcare qualification. The clause further provides that the name of the applicant may be entered in the Register on application and authorisation of the Chief Executive Officer, provided that in case a person's name has been removed from any other State Register, additional approval from that State is also needed. In case of rejection of the application by the Chief Executive Officer, appeal to the State Council may be made by the person within three months from the date of such rejection, further in case of disagreement with the State Council's decision, the person within sixty days from communication appeal to the State Government. The clause further provides for issuing of certificate of registration to the person on entry of his name in the State register.

Clause 31.—This clause provides when the Chief Executive Officer authenticates that a certificate of registration or a certificate of renewal has been lost or destroyed, the State Council may issue a duplicate certificate on payment of requisite fees and in such form as may be prescribed by the State Government.

Clause 32.—This clause provides for renewal of the registration of the professional in every five years on payment of fee to the State Council in manner and as per conditions prescribed by the State Government. In case of non-payment within the specified period, the Chief Executive Officer has the authority to remove the name of the defaulter from the State register, provided that it may be restored on payment of fee in manner as prescribed by the State Government, and on payment of fee the Chief Executive Officer may issue a certificate of renewal to the professional.

Clause 33.—This clause provides for the State Council to give order to remove the name of any person from the State Register in condition of erroneous entry or case of misrepresentation or suppression of material fact, or if the person has been convicted of an offence and is opined to be unfit to be kept in the State register, provided that reasonable opportunity must be given to the person for justification. The clause further provides that the State Council may either permanently remove the name or may specify the period of years and the name of the person shall be removed as per the order issued by the State Council which shall remain effective till three months or until an appeal is made. Further the clause provides that in case of disagreement with the order, the person may within sixty days appeal to the Council. The person whose name has been removed from the register will also have to surrender his/her certificate of registration and certificate of renewal, if any, to the State Council and the name so removed shall be uploaded on the website of the State Council, published in the Official Gazette and at least in one daily local newspaper in vernacular language.

Clause 34.—This clause provides that at any time the State Council in case of appropriate satisfaction and subject to approval of the Council and payment on such fee as prescribed by the State Government, may restore the removed name of the person and same shall be uploaded on the website of the State Council, published in the Official Gazette and at least in one daily local newspaper in vernacular language.

Clause 35.—This clause provides that any person who offers his or her services in any of the recognised categories on or before the proposed legislation shall be allowed to register within a period of two years from the date of commencement of the proposed legislation.

Clause 36.—This clause provides that any allied and healthcare corresponding qualification granted by institutions outside India shall be recognised and the Indian citizen receiving the qualification shall be entitled for registration, as may be specified by regulations.

The clause further provides that the Central Government in consultation with the Council may notify restriction to such professionals where reciprocity is not applicable or is provided only after specified date, by providing permission for limiting the institution of employment or duration of employment. The clause further provides that the Council may enter into negotiations with an authority in any country outside India entrusted with the recognition of corresponding qualifications, for setting up of a scheme of reciprocity for the recognition of allied and healthcare qualifications and will be as notified by the Central Government.

Clause 37.—This clause provides that the Council will also regulate the establishment of any allied and healthcare institution or opening of new or higher course of study or training as well as admitting new batch of students in any course of study or training. Provided that the allied and healthcare qualification granted to a person in respect of a new or higher course of study or new batch without prior permission of the Council shall not be deemed to be a recognised. The clause further provides for the process of obtaining permission from the Council in form of a scheme in manner and accompanied by fee as prescribed by the Central Government, which will be reviewed by the Council. The Council may seek additional details while considering the scheme and may approve or disapprove the scheme, only after giving a reasonable opportunity to the applicant for justification, provided that any person or institution whose scheme has not been approved earlier, may submit a fresh scheme. The clause further provides for all the criteria the Council may consider before approving or disapproving a scheme, such as—capacity of the institution to offer and maintain the minimum standards of education as prescribed, adequate financial resources, manpower, availability of necessary facilities with respect to staff, equipment, accommodation, hospital and others details as prescribed by the Central Government and communicate the decision to the concerned person or the institution seeking recognition.

Clause 38.—This clause provides that the State Council will also have power to attain information from time to time from allied and healthcare institutions regarding course of study, duration of course, assessment and examinations and other eligibility conditions for individual qualifications in any allied and healthcare course. The clause further provides that any University or institution or college imparting allied and healthcare education shall furnish details to Council in the manner prescribed by Central Government.

Clause 39.—This clause provides that the State Council shall verify the standards of any allied and healthcare institution in manner specified by regulations. The clause further provides that the verification process must not interfere with the conduct of any training or examination but shall be for the purposes of reporting to the State Council on the adequacy of standards and a report in this regards shall be send to the institution by the State Council, with a copy to the Council.

Clause 40.—This clause provides that upon report of verification of standards and in case of any condition of non-conformance to the prescribed standards, the State Council shall make a representation that effect to the Council. The clause further provides that after due consideration and opportunity for providing justification, the Council may withdraw recognition if still found inappropriate. The Council accordingly after making necessary inquiry, may notify that the recognition of qualification or qualification given to allied and healthcare professional recognised up to a specified date.

Clause 41.—This clause provides that the Central Government may give Council grants of such sum of money as the Central Government may think fit for utilisation purposes.

Clause 42.—This clause provides that a Fund to be called the Allied and Healthcare Council of India Fund shall be constituted, wherein all money received from

the Central Government, or received by way of grants, gift, donations, benefactions, bequests and transfers, or in any other manner or from any other source, shall be credited. The fund thereby shall be utilised for the expenses incurred by the Council towards the discharge of its function and other related purposes in the manner prescribed by the Central Government.

Clause 43.—This clause provides that the Council shall maintain appropriate accounts and records as well as annual statement of accounts, in manner specified by the Central Government in consultation with the Comptroller and Auditor-General (CAG) of India, which shall be audited annually and any expenditure incurred in connection with the audit shall be payable by the Council to the CAG. The clause further provides that CAG may appoint any other person in his/her place for the purposes of audit of the accounts of the Council, who shall have the same rights, privileges and authority as CAG and who shall also have the right to demand documentation and to inspect the office of the Council. The clause also provides for the audit report to be forwarded annually to the Central Government and the same to be laid before each House of Parliament.

Clause 44.—This clause provides that the Council shall prepare annual report annually in the manner as prescribed and forward the same to the Central Government, which shall cause the same to be laid before each House of Parliament.

Clause 45.—This clause provides that the Council shall furnish to the Central Government information as may be required from time to time.

Clause 46.—This clause provides that the State Government may give grants to the State Council such sums of money as the State Government may think fit for utilisation of the State Council.

Clause 47.—This clause provides that a Fund to be called the State Allied and Healthcare Council Fund shall be constituted, wherein all money received from the State Government, or received by way of grants, gift, donations, benefactions, bequests and transfers, or in any other manner or from any other source, shall be credited. The fund thereby shall be utilised for the expenses incurred by the State Council towards the discharge of its function and other related purposes in the manner prescribed by the State Government.

Clause 48.—This clause provides that the State Council shall maintain appropriate accounts and records as well as annual statement of accounts, in manner specified by the State Government in consultation with the Comptroller and Auditor-General (CAG) of India, which shall be audited annually and any expenditure incurred in connection with the audit shall be payable by the State Council to the CAG. The clause further provides that CAG may appoint any other person in his place for the purposes of audit of the accounts of the State Council, who shall have the same rights, privileges and authority as CAG and who shall also have the right to demand documentation and to inspect the office of the State Council. The clause also provides for the audit report to be forwarded annually to the State Government and the same to be laid before either each House or the House, of State Legislature.

Clause 49.—This clause provides that the State Council shall prepare annual report annually in the manner as prescribed and forward the same to the State Government, which shall cause the same to be laid before either each House or the House, of State Legislature.

Clause 50.—This clause provides that all orders and decisions of the Council and the State Councils and the instruments issues by it shall be authenticated by signature of the Chief Executive Officer or any other officer appointed by the Chairperson in this behalf.

Clause 51.—This clause provides that an allied and healthcare professional shall not discharge any duty or perform any function not authorised by this proposed legislation or specify treatment not authorised by the field of his profession.

Clause 52.—This clause provides that if any person misrepresents to be a registered professional by any means shall be punished with fine on first conviction and by imprisonment or increased fine or both in the next.

Clause 53.—This clause provides for various conditions wherein if any person is found to be misusing titles such as in case where an unregistered person uses the description of an allied and healthcare professional or an unqualified person uses a degree or diploma or a licence or an abbreviation indicating or implying such qualification, shall be punished with fine which may extend to one lakh rupees on first conviction and by imprisonment which may extend to one year or increased fine not exceeding two lakh rupees or both on any subsequent conviction.

Clause 54.—This clause provides that if any person whose name has been removed from any of the register fails to surrender his certificate of registration or certificate of renewal, or both, shall be punishable with fine which may extend to fifty thousand rupees and in case of a continuing offence with an additional fine which may extend to five thousand rupees per day after the first day during which the offence continues.

Clause 55.—This clause provides that if any person or institution contravenes any of the provisions of the Bill or any rules or regulations made thereunder, shall be punished with imprisonment of more than a years' duration, which may extend to three years or with fine which shall not be less than one lakh rupees but which may extend to five lakh rupees or with both.

Clause 56.—This clause provides that no court shall take cognizance of punishable offence except upon complaint made by order of the Central Government, the State Government, the Council or the State Council. This clause further provides that no court inferior to that of Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try any offence punishable under the Bill.

Clause 57.—This clause provides that no civil court shall undertake any suit or proceeding in respect of any order made by the Council or the State Council pertaining to the case of removal of a name or the refusal to enter a name in the Central Register or State Register.

Clause 58.—This clause provides that no suit, prosecution or other legal proceeding shall be made against the Central Government or State Government or against the Chairperson or any other member of the Council or the State Council or the advisory bodies for anything which is done in good faith or intended to be done for the execution of the activities pertaining to the proposed legislation or any rule made thereunder for the discharge of duties.

Clause 59.—This clause empowers the Central Government to issue directions to the Council for the purposes of fulfilment of the objectives of the proposed legislation as well as for discharging the functions and the Council is bound to follow such directions given by the Central Government. The clause further provides that the directions given to the Council may include ones to make any regulations or amend or revoke any existing regulations.

Clause 60.—This clause provides that the proposed legislation shall have overriding effect on any other existing law or any instrument for any of the covered professions as per the Schedule.

Clause 61.—This clause confers the power upon the Central Government to make rules in respect of matter specified in the said clause.

Clause 62.—This clause confers the power upon the Council to make regulations consistent with this proposed legislation and the rules made thereunder to carry out the purposes of the proposed legislation.

Clause 63.—This clause provides that every rule made by the Central Government and the regulations made by the Council shall be laid before each House of Parliament for a period of thirty days, in which case there may be recommendation for modification

in the rule or regulations or both Houses may agree with the annulment of the rule or regulations, which shall be complied to.

Clause 64.—This clause confers the power upon the State Government to make rules in respect of matter specified in the said clause. The clause further provides that every rule made by the State Government shall be laid before either each House or the House of the State Legislature.

Clause 65.—This clause empowers the Central Government to remove any difficulty which may arise in giving effect to the provisions of the proposed legislation and any order in this regards shall be made within first three years after the commencement of the proposed and may be laid appropriately before each House of Parliament.

Clause 66.—This clause empowers the Central Government by notification to add to or amend Schedule, after due consultation with the Council. The clause also provides that notification of such amendment or addition shall be laid in draft before each House of Parliament for total of thirty days in which case there may be recommendation for amendments or both the Houses may disagree with the inclusion or change, which shall be complied to.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Central Allied and Healthcare Professions' Council of India consisting of a Chairperson and fourteen *ex officio* members, and other specialists or experts in the field of Allied and Healthcare Professions and invitees.

2. Clause 11 of the Bill provides for constitution of Professional Advisory Bodies of the Central Council.

3. Clause 12 of the Bill provides for maintenance of a Central Allied and Healthcare Professions' Register.

4. Clause 20 of the Bill provides for constitution of a State Allied and Healthcare Professions' Council in every State consisting of a Chairperson and seven *ex officio* members, and other specialists or experts in the field of Allied and Healthcare Professions.

5. Clause 28 of the Bill provides for constitution of Professional Advisory Bodies of the State Council.

6. Clause 29 of the Bill provides for maintenance of a State Allied and Healthcare Professions' Register.

7. Clause 41 of the Bill provides that the Central Government may provide grant-in-aid for meeting expenses of the Central Council, expenses related to fee and allowances for experts and specialists and for the preparation of annual reports, etc., which would be met under the existing schemes of the Ministry of Health and Family Welfare.

8. The Department of Expenditure has approved an outlay of ninety-five crore rupees to meet out expenditure on the aforesaid accounts. The Bill does not envisage any other expenditure of recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 61 empowers the Central Government to make rules for the purpose of carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include—(a) the qualifications and experience of the members under item (l) of sub-clause (3) of clause 3; (b) the qualifications and experience of the members under item (m) of sub-clause (3) of clause 3; (c) the qualifications and experience of the members under item (n) of sub-clause (3) of clause 3; (d) the travelling and other allowances to the members of the Council under sub-clause (3) of clause 4; (e) the time, place and rules of procedure with respect to the transaction of business at meetings, including quorum of Council under sub-clause (1) of clause 7; (f) the salary, allowances and other conditions of service of the Chief Executive Officer and other officers and employees of the Council under sub-clause (2) of clause 9; (g) the form and manner of application for registration in the Central Register under clause 15; (h) the form, manner and fee of application for certificate of registration under sub-clause (1) of clause 16; (i) the form of certificate of registration under sub-clause (2) of clause 16; (j) the fee and form for issuance of duplicate certificate under sub-clause (3) of clause 16; (k) the form, manner and fees of application for additional entry in the Register under sub-clause (1) of clause 17; (l) the form, manner, particulars and fees for scheme under item (b) of sub-clause (2) of clause 37; (m) the other factors to be considered by the Council and Central Government related to scheme under item (g) of sub-clause (5) of clause 37; (n) the manner and particulars of information to be provided by the University or college or institution to the Council under sub-clause (2) of clause 38; (o) the manner of discharge of the function of council under sub-clause (2) of clause 42; (p) the form and time period for preparing annual report of Council under clause 44; (q) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

2. Clause 62 empowers the Central Council to make regulations with the previous sanction of the Central Government to carry out the purposes of the proposed legislation. Sub-clause (2) of clause 62 specifies the matter in respect of which such regulations may be made. These matters, *inter alia*, include—(a) the details of the recognised allied and healthcare qualifications including the name of course, entry criteria, duration and such other particulars under item (e) of clause 10; (b) the manner of providing uniform entry examination with common counselling for admission under item (f) of clause 10; (c) the manner of providing uniform exit or licensing examination under item (g) of clause 10; (d) the particulars of allied and healthcare professionals to be maintained in the Central Register under sub-clause (1) of clause 12; (e) the standardised format for populating and maintaining the Central Register under sub-clause (2) of clause 12; (f) the manner of removal of name of person from the Central Register under clause 18; (g) the particulars of allied and healthcare professionals to be maintained in the State Register under sub-clause (1) of clause 29; (h) the period of years that a person removed from State Register shall be ineligible for registration under sub-clause (2) of clause 33; (i) the manner of registration of persons who offer services in any of the recognised categories on or before the commencement of this Act under clause 35; (j) the recognition of corresponding allied and healthcare qualifications granted outside India under sub-clause (1) of clause 36; (k) the manner of entitlement of registration of qualifications granted by institutions outside India under sub-clause (2) of clause 36; (l) the minimum standards of education for seeking to open a new or higher course of study or training under item (a) of sub-clause (5) of clause 37; (m) the manner of verification of standards of education in allied and healthcare institutions by the State Council under sub-clause (1) of clause 39; (n) any matter for which provision may be made by regulations.

3. Clause 64 empowers the State Government to make rules for the purpose of carrying out the provisions of the proposed legislation. Sub-clause (2) of clause 64 specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include—

(a) the qualifications and experience of the members under item (d) of sub-clause (3) of clause 20; (b) the qualifications and experience of the members under item (e) of sub-clause (3) of clause 20; (c) the travelling and other allowances for the members of the State Council under sub-clause (3) of clause 21; (d) the time, place and rules of procedure with respect to transaction of business at meetings including quorum of the State Council under sub-clause (1) of clause 24; (e) the salary, allowances and other conditions of services of the Chief Executive Officer, other officers and employees of the State Council under sub-clause (2) of clause 26; (f) the fee for registration in the State Register under sub-clause (1) of clause 30; (g) the form for issuance of certificate of registration in the State Register under sub-clause (5) of clause 30; (h) the fee and form for issuance of duplicate certificate under clause 31; (i) the fee for renewal of name in the State Register, the manner and the conditions for renewal under sub-clause (1) of clause 32; (j) the fee for restoration of name in the State Register under sub-clause (2) of clause 32; (k) the fee for restoration of name in the State Register after approval of the Council under clause 34; (l) the manner of discharge of the functions of State Council under sub-clause (2) of clause 47; (m) the form and time period for preparing annual report of the State Council under clause 49; (n) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

4. Sub clause (1) of clause 66 provides for the Central Government to amend the Schedule in consultation with the Council.

DESH DEEPAK VERMA,
Secretary-General.